REMARKS

Claims 1 – 9 are pending in the application. Claims 1 – 9 have been rejected. Claims 1,4,5, and 6 have been amended. Claims 3 has been cancelled.

Claims 1 – 9 stand rejected under 35 U.S.C. § 101 as it is maintained that the claims do not produce a useful, concrete, tangible result. While Applicant does not acquiesce that the claims are not statutory, in the interest of moving the prosecution of the application forward, the claims have been amended to further specify a "tangible" result. More specifically, each of the elements of claim 1 is stored on a "computer readable media" and the system type indicator allows a customer to determine whether a system is a bundled system or a custom system during an automated order entry process.

Claims 3 – 7 stand rejected under 35 U.S.C. § 112, second paragraph. While Applicant does not acquiesce that the phrase "business rule element" is indefinite, in the interest of moving the prosecution of the application forward, claim 3 has been canceled and claims 4 – 6 have been amended to remove the phrase "business rule element". Accordingly, it is believed that the rejection of 3 – 7 under 35 U.S.C. § 112, second paragraph has been addressed.

Claims 1 – 9 stand rejected under 35 U.S.C. §§ 102 and 103 over Spallone et al., U.S. Patent No. 4,959,686 (Spallone). This rejection is respectfully traversed.

The present invention, as set forth by amended independent claim 1, relates to a data structure for providing a catalog from a manufacturer to a customer. The data structure is encoded to enable a customer to perform an automated order entry process. The data structure includes a catalog header record portion storing catalog header record data, a system identification portion storing system identification data and a system option record portion storing system option record data. The catalog header portion is stored on a computer readable media. The system identification portion is stored on a computer readable media. The system identification data includes a system type indicator. The system type indicator indicates whether a system is one of a bundled system and a custom system and allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process. The system option record portion being stored on a computer readable media.
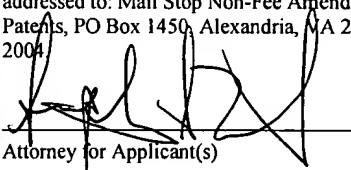
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Applicant intends to be her own lexicographer and to define system type element as an element which tells a user whether a product is bundled or custom. A product which is bundled is defined as a commodity item and a product which is custom is defined as a non-commodity item. See page 11, lines 4 – 6.

Spallone discloses an automated shopping order entry system. The order entry system includes a customer subsystem that allows a customer to select particular items and obtain an estimated waiting time based on an accumulated variable workload that depends on items ordered by the customer.

Spallone does not disclose or suggest, taken alone or in combination, a data structure for providing a catalog from a manufacturer to a customer where the data structure includes a system identification portion storing system identification data, the system identification data including a system type indicator which indicates whether a system is one of a bundled system and a custom system as specifically defined in this and previous Responses. Accordingly, claim 1 is allowable over Spallone. Claims 2 – 9 depend from claim 1 and are allowable for at least this reason.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, MA 22313-1450, on July 19, 2004.

_____   7/19/04
Attorney for Applicant(s)   Date of Signature

Stephen A. Terrile
Attorney for Applicant(s)
Reg. No. 32,946